

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LAWRENCE HARDY, RAMONE CROSS, and
SHAWN SMITH, individually and on behalf of all others
similarly situated,

Plaintiffs,

08 Civ. 2460 (SHS)

– against –

BRIAN FISCHER, in his capacity as Commissioner
of the New York State Department of Correctional
Services (DOCS), and in his individual capacity;
ANTHONY J. ANNUCCI, in his capacity as Deputy
Commissioner and Counsel for DOCS, and in his
individual capacity; LUCIEN J. LECLAIRE, JR., former
Acting Commissioner of DOCS, in his individual capacity;
GLENN S. GOORD, former Commissioner of DOCS,
in his individual capacity; and JOHN/JANE DOES 1-50
(DOCS Supervisory, Training, and Policy Personnel),

**RELATED CASE
STATEMENT**

Defendants.
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Plaintiffs Lawrence Hardy, Ramone Cross, and Shawn Smith, by and through
their attorneys, Emery Celli Brinckerhoff & Abady LLP, submit this Related Case Statement
pursuant to Rule 1.6(a) of the Local Rules of this Court. This case may be related to *Scott v.*
Fischer, No. 07 Civ. 11303, which is currently pending before the Hon. Naomi Reice Buchwald.
On December 17, 2007, Ms. Choice Scott filed a Complaint in *Scott v. Fischer*, No. 07 Civ.
11303. In that Complaint, Ms. Scott, like the plaintiffs in this case, alleges pursuant to 42 U.S.C.
§ 1983 that Brian Fischer, the Commissioner of the New York State Department of Correctional
Services (DOCS), Glenn Goord, the former Commissioner of DOCS, and others violated her due
process rights by administratively imposing post-release supervision (PRS) and incarcerating her

for alleged violations of PRS, when PRS was never part of a valid judicially imposed sentence.

See Earley v. Murray, 451 F.3d 71 (2d Cir. 2006) (holding that administrative imposition of PRS

violated clearly established Supreme Court precedent) (citing *Hill v. United States ex rel.*

Wampler, 298 U.S. 460 (1936) (Cardozo, J.)).

Dated: July 15, 2008
New York, New York

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